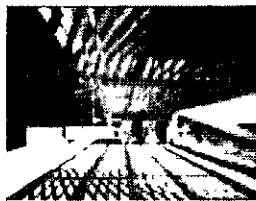


AGENDA**REVISED****Thursday, April 30, 2009**

The Austin City Council will convene at 10:00 AM on
Thursday, April 30, 2009 at Austin City Hall
301 W. Second Street, Austin, TX

AUSTIN CITY CLERK
POSTING: DATE/TIME

2009 APR 27 AM 8 50



Mayor Will Wynn
Mayor Pro Tem Brewster McCracken
Council Member Lee Leffingwell, Place 1
Council Member Mike Martinez, Place 2
Council Member Randi Shade, Place 3
Council Member Laura Morrison, Place 4
Council Member Sheryl Cole, Place 6

For meeting information, contact City Clerk, 974-2210

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

Reading and Action on Consent Agenda

Action on the Following:

Ordinances / Resolutions / Motions -

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

9:55 AM -- Invocation

Pastor Tom Goodman, Hillcrest Baptist Church

10:00 AM -- City Council Convenes

Approval of Minutes

1. Approve the minutes of the Special Called April 22, 2009 and Austin City Council April 23, 2009 Regular meetings.

Austin Energy

2. Approve an ordinance amending the Fiscal Year 2008-2009 Austin Energy Capital Budget of Ordinance No. 20080908-003 to increase appropriations by \$11,000,000 and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget of Ordinance No. 20080908-002 by increasing the Transfer to Electric Capital Improvement Program by \$11,000,000 and by decreasing the Austin Energy Ending Balance by \$11,000,000 to provide additional funding for the Sand Hill Energy Center Peaking Units. Funding is available from the ending balance of the Austin Energy Operating Fund. Recommended by the Electric Utility Commission. Related to Item #12.
3. Approve an ordinance amending the Fiscal Year 2008-2009 Austin Energy Capital Budget of Ordinance No. 20080908-003 to increase appropriations by \$22,000,000 and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget of Ordinance No. 20080908-002 by increasing the Transfer to Electric Capital Improvement Program by \$22,000,000 and by decreasing the Austin Energy Ending Balance by \$22,000,000 to provide additional funding for a new Customer Billing System. Funding is available from the ending balance of the Austin Energy Operating Fund. Recommended by the Electric Utility Commission. Related to Item #20.
4. Authorize negotiation and execution of a guarantee of payment in favor of Nuclear Electric Insurance Limited, of Delaware, of the City of Austin's obligation to cover its share of any retrospective premium adjustment assessed by NEIL with respect to its insurance coverage of the South Texas Project. Funding is available in the Contingency Reserve portion of Austin Energy's Strategic Reserve Fund as provided by the City of Austin's Financial Policies. Recommended by the Electric Utility Commission.

Contract and Land Management

5. Approve an ordinance authorizing the acquisition of a fee simple interest in property located at 1409, 1411 and 1415 Meander Street from NOEMI P. ROCHA for the Lower Fort Branch – Voluntary Flood and Erosion Buyout, in the amount of \$115,000 for land and improvements, \$29,950 for owner assisted relocation benefits, up to \$50,000 for modifications in accordance with the Americans With Disabilities Act, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$204,950, and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations Funding in the amount of \$204,950 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.
6. Authorize the acquisition of two conservation easements consisting of approximately 1,900 acres of land located in Hays County, Texas, and fronting on Hwy 967, from the Dahlstrom Family Limited Partnership in a total amount not to exceed \$1,000,000 from the November 6, 2006, bond package, Proposition 2 Open Space Program. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.
7. Authorize the acquisition of 19,846 square feet of additional right-of-way and 29,428 square feet of waterline and lateral support (slope) easement out for the Wells Branch Parkway Extension Project of the L. C. Cunningham Survey No. 68, Abstract No. 163, Travis County, Texas, located at Wells Branch Parkway from SEALY HEATHERWILDE, L.P., for an in-kind contribution amount of \$56,165. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Public Works. Related to Items #8 & 13.
8. Authorize the acquisition of 20,697 square feet of additional right of way and 31,239 square feet of waterline and drainage facility easements for the Wells Branch Parkway Extension Project out of the L. C. Cunningham Survey No. 68, Abstract No. 163, Travis County, Texas, located at Heatherwilde Blvd. and Wells Branch Parkway from FINLEY COMPANY, for an in-kind contribution amount of \$70,865. Funding is available in Fiscal Year 2008-2009 Capital Budget of Public Works. Related to Items# 7 & 13.
9. Authorize the negotiation and execution of a 36-month lease renewal for approximately 1,440 square feet of nutritional counseling space for the Women Infants and Children Program (WIC) of the Health and Human Services Department, located at 443 Highway 71 West, Bastrop, Texas, from THE MARKETPLACE AT BASTROP LTD, in an amount not to exceed \$73,800 for the lease renewal. Funding for the lease renewal period is contingent upon available funding in future Health and Human Services Department budgets.
10. Authorize the negotiation and execution of a contract for the fee simple acquisition of approximately 79 acres for parkland purposes located along F.M. 969 on the northern bank of the Colorado River from Travis County, Texas, in a total amount not to exceed \$435,950. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department.
11. Authorize the City Manager to use the Competitive Sealed Proposal method for contracting for construction of the following projects: the North East Austin Sidewalk and Curb Ramp Construction Project; the Central East Austin Sidewalk and Curb Ramp Construction Project; the South East Austin Sidewalk and Curb Ramp Construction Project; the Forest Trail and Stamford Way Street Reconstruction and Utility Adjustment Project; and the Elton Lane and Griswold Lane Street Reconstruction and Utility Adjustment Project.
12. Authorize negotiation and execution of Amendment No. 2 to the design-build contract with Sand Hill Energy Partners, a joint venture consisting of PB Americas, Inc. and TIC – The Industrial Company, Kingwood, Texas, for the construction phase of the Sand Hill Energy Center 100-MW Expansion, in the amount of \$16,000,000, for a total not to exceed contract amount of \$40,000,000. Funding in the amount of \$16,000,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Selection was

made based on most qualified. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 3.79% MBE and 0.47% WBE subcontractor participation to date. Recommended by the Electric Utility Commission. Related to Item #2.

13. Authorize execution of a construction contract with CHASCO CONSTRUCTORS LTD., LLP, Round Rock, Texas, for the Wells Branch Parkway Roadway Improvements from 1825 to Heatherwilde Boulevard in the amount of \$3,573,079 plus a \$178,653.95 contingency, for a total contract amount not to exceed \$3,751,732.95. Funding in the amount of \$112,959 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$3,638,773.95 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Lowest compliant bid of eleven (11) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 5.59% MBE and 7.86% WBE subcontractor participation. Recommended by the Water and Wastewater Commission. Related to Items #7 & 8.

Parks and Recreation

14. Authorize negotiation and execution of an Interlocal Agreement with the Austin Independent School District (A.I.S.D) for the use of Butler Softball Fields. There is no unanticipated fiscal impact. A fiscal note is not required.
15. Approve an ordinance waiving certain park facilities use and rental fees associated with the use of Downs Field by Austin Metro Baseball League and Huston-Tillotson Field for baseball programs in exchange for in-kind maintenance services provided under a facility use and maintenance agreement. There is no unanticipated fiscal impact. A fiscal note is not required.
16. Approve the use of Lady Bird Lake for registered participants and other approved persons for the following public water events: the Cap 2K open water swim to be held on May 3, 2009, the Capital of Texas Triathlon to be held on May 13 (press conference), May 24 and 25, 2009, and the Austin Triathlon to be held on September 5-7, 2009. There is no unanticipated fiscal impact. A fiscal note is not required.

Police

17. Approve an ordinance accepting \$198,147 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$198,147 for the education component of the traffic safety grant program. Funding in the amount of \$198,147 is available from the MCSAP High Priority Grant. No match is required.
18. Approve an ordinance accepting \$844,721 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$844,721 for the High Priority grant project traffic safety programs. Funding in the amount of \$844,721 is available from the MCSAP High Priority Grant. A 20% match is required and will be met with existing staff salaries and benefits.
19. Authorize negotiation and execution of an agreement with Reentry Roundtable to enhance public safety by developing effective strategies for convicted criminal offenders to successfully reenter into society, for the period of October 1, 2008 to September 30, 2009, in an amount not to exceed \$35,000. Payment of the \$35,000 will be made from the Fiscal Year 2008-2009 Police operating budget.

Purchasing Office

20. Authorize award, negotiation, and execution of an eight-year contract with IBM Corporation, Cleveland, OH, to provide software, billing, and related services for the City's utilities in an amount not to exceed \$58,500,000. Funding in the amount of \$1,006,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$34,750,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the original contract period and extension options for the remaining software maintenance and active hosting services following implementation of the system is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 12.2% MBE and 12.2% WBE subcontractor participation. RZ and Associates (MBE) will provide Oracle software services in the approximate amount of \$2.8 million, MRSW Management, LLC (MBE) will provide implementation and support services in the approximate amount of \$2.8 million, and RFD and Associates, Inc. (WBE) will provide software procurement services in the approximate amount of \$5.6 million. Recommended by the Electric Utility Commission. Related to Item #3.
21. Authorize award, negotiation, and execution of a contract with GENERAL PHYSICS CORPORATION, Elkridge, MD, for consulting services for Austin Energy's Power Plant Craft Training and Assessment Program in an amount not to exceed \$62,600. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
22. Authorize award and execution of a contract with STARFISH ENGINEERING ASSOCIATES, LLC, Tyler, TX, for the purchase of an engine maintenance dolly in the amount not to exceed \$83,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
23. Authorize award, negotiation, and execution of a 60-month requirements service contract with SIEMENS BUILDING TECHNOLOGIES, INC., Austin, TX, to provide maintenance and repair services for the building automation system and fire alarm system equipment at the Combined Transportation, Emergency and Communications Center for a total estimated contract amount not to exceed \$336,888. Funding in the amount of \$28,704 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 55 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. Recommended by the Electric Utility Commission.
24. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with C&M GOLF & GROUNDS EQUIPMENT, Waco, TX, for the purchase of grounds maintenance equipment for the Parks and Recreation Department in the amount not to exceed \$58,977.55. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

Transportation

25. Approve second/third readings of an ordinance to amend Chapter 14-8 and repeal Chapters 4-5 and 14-7 of the City Code relating to street closures and creation of right-of-way event rules.
26. Authorize the City Manager to submit an application for the Pass Through Finance Program to the Texas Department of Transportation (TxDOT).
27. Approve issuance of a street event permit for the 2009 Parade of Homes, sponsored by the Home Builders Association of Greater Austin, a fee paid event on Camacho Street, from 4205 Camacho Street through 4305 Camacho Street. The event is scheduled daily from 10:00 a.m. to 8:00 p.m., May 20, 2009 through June 8, 2009.

Watershed Protection and Development Review

28. Authorize execution of a community facilities and cost reimbursement agreement for construction of a water quality wet pond which provides for payment to Riverside Interests, L.P., a Texas limited partnership, in the amount of \$610,519 for construction of water quality improvements at 2301 East Riverside under the water quality cost participation program. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department (WPDRD). This site plan was originally approved as a cost reimbursement in January 28, 2009 and as such was in compliance with Chapter 2-9A of the City Code Minority-Owned and Women-Owned Business Enterprise Procurement Program. Variance from Land Development Code (LDC) 25-8-261 approved by Environmental Board and Planning Commission.
29. Consider a resolution regarding the Texas legislature's enactment of legislation creating five (5) special districts within the City's Desired Development Zone, consisting of approximately 2,300 acres of land that is located east of IH 35 between McKinney Falls Parkway and US 183 South.

Item(s) from Council

30. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
31. Approve a resolution relating to the compensation and benefits for the City Manager. Related to Item #41. (Mayor Will Wynn and Council Member Randi Shade)
32. Approve a resolution amending the City's Legislative Program to support passage of CSSB 1205, relating to community land trusts. (Council Member Mike Martinez, Council Member Lee Leffingwell and Council Member Laura Morrison)
33. Approve a resolution directing the City Manager to create a staff working group to work cooperatively with University of Texas Athletics, Travis County, Texas Department of Transportation, and other entities to better facilitate future Texas Relay events; and to convene a group of community stakeholders to ensure future events reflect the community's interest in respecting diversity and fostering an equal quality of life experience for all residents of Austin. (Council Member Sheryl Cole, Mayor Will Wynn and Mayor Pro Tem Brewster McCracken)
34. Approve the waiver of certain fees for the Austin Area Mental Health Consumers, Inc. 10 Year Anniversary and Appreciation Luncheon which is to be held on May 13, 2009. (Council Member Lee Leffingwell, Mayor Will Wynn and Mayor Pro Tem Brewster McCracken)
35. Approve the payment of certain costs under City Code Chapter 14-7 for the South River City Neighborhood Association's 4th of July Parade which is to be held on July 4, 2009 near St. Edwards University and Stacy Park. (Council Member Laura Morrison and Council Member Lee Leffingwell)

Item(s) to Set Public Hearing(s)

36. Set a public hearing to consider an ordinance amending Ordinance No. 20020829-58 authorizing the addition of new neighborhoods to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
37. Set a public hearing to consider an ordinance amending Ordinance No. 20080515-030 to amend the map indicating areas with additional regulations applying to Mobile Food Establishments in accordance with Section 25-2-812 of the City Code. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
38. Set a public hearing to consider an ordinance amending Chapter 25 and Chapter 30 of the City Code concerning requirements for notification of subdivision and site plan applications. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission.

12:00 PM -- Citizen Communications: General

Rae Nadler'Olenick - Water fluoridation

Walter Olenick - Fluoride

Richard Troxel - Homelessness in Austin

Ronnie Gjemre - Peace and freedom

Gus Peña - 1. To discuss the City budget, its implications and its adverse impact on our residents of the City of Austin 2. We all need to work together to work through this recession and we will do our part 3. Crime is on the increase, we need more patrol officers on the streets 4. We all need to hold Cap Metro President, CEO, CFO, and administration accountable for its irresponsible way of running an agency. Fred Gilliam needs to resign 5. If possible please no layoffs we have too many people unemployed 6. Please support our troops overcome adversity as they return home they need jobs, counseling, mental health treatment, PTSD treatment. Suicide is a big problem

Ken Vasseau - The gorilla says it's blue!

Paul Aviña - Poverty

Helen Rockenbaugh - Noise ordinance and keeping chickens, esp roosters in the City limits

Susana Almanza - Stimulus money for East Austin

Bill Boulton - Austin's failure to enforce excising laws

Executive Session

39. Discuss matters relating to Austin Energy's generation resource planning and strategy. (Public Power Utility Competitive Matter - Section 551.086).
40. Discuss legal issues relating to special districts legislation filed in the 81st Legislature, Regular Session. (Private Consultation with Attorney - Section 551.071).
41. Evaluate the performance of and consider compensation and benefits for the City Manager. (Personnel Matters - Section 551.074). Related to Item #31.

2:00 PM -- Briefings

42. Austin Energy's Public Participation Process and CO2 Reduction Plan
43. Strategic Mobility Program Briefing
44. Federal Stimulus briefing

3:00 PM -- Austin Housing Finance Corporation Board of Directors Meeting

The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will re-convene (The AHFC agenda is temporarily located at <http://www.ci.austin.tx.us/agenda/council.htm>).

4:00 PM -- Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

45. C14-2008-0006 - Stubbs South - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 and 803 Red River (Waller Creek Watershed) from downtown mixed use (DMU) district zoning to central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. First reading approved on April 23, 2009. Vote: 7-0. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.
46. C14-2008-0007 - Stubbs North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 605, 607, and 611 East 9th Street; 811, 815, 817 and 819 Red River Street (Waller Creek Watershed) from general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and central business district-central urban redevelopment (CBD-CURE) combining district zoning to central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. First reading approved on April 23, 2009. Vote: 7-0. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal.) Agent: Armbrust and Brown, L.L.P. (Richard Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.
47. C14-2009-0003 - Austin Chinese Church - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11118 Dessau Road (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning; townhouse and condominium residence (SF-6) district zoning; and planned unit development (PUD) district zoning to limited office-conditional overlay (LO-CO) combining district zoning with conditions. First reading approved on April 2, 2009. Vote: 7-0. Applicant: Austin Chinese Church (Leo Young). Agent: Land Answers (Jim Witliff). City Staff: Joi Harden, 974-2122.

48. C14H-2008-0023 - Bradford-Nohra House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4213 Avenue G (Waller Creek Watershed) from townhouse and condominium residence-neighborhood conservation combining district (SF-6-NCCD) combining district zoning to townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. First reading approved on March 26, 2009. Vote: 6-0 (McCracken off the dais). Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Susan Villarreal, 974-3524. A valid petition has been filed in opposition to this rezoning request.

4:00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

- 49 PH. C14-2009-0033 - Upgrade Electrical Service - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 513 Thompson Lane (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Lourdes E. Pelayo. Agent: Kool Daddy Motorcycles (Juan Galvan). City Staff: Wendy Rhoades, 974-7719.
- 50 PH. C14-84-457(RCA) - Chrysler Dealership - Conduct a public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for a property locally known as 6905 South IH-35 Service Road Northbound (South Boggy Creek Watershed). Staff Recommendation: To terminate the restrictive covenant as it applies to the subject property. Zoning and Platting Commission Recommendation: To terminate the restrictive covenant as it applies to this property, with conditions. Applicant: Chrysler Realty Company, L.L.C. (Mark Nagel). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.
- 51 PH. NPA-2009-0018.01 - Highland Combined Neighborhood Planning Area Vertical Mixed Use (VMU) Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from Commercial and Office to Mixed Use and Mixed Use/Office on selected tracts within the Highland Neighborhood Planning Area, bounded by U.S. Highway 183 to the north, Lamar Boulevard to the west, Twin Crest Drive and Middle Fiskville Road to the east, and Koenig Lane to the south (Tannehill Creek, Waller Creek, Buttermilk Branch Watersheds). Planning Commission Recommendation: To approve mixed use and mixed use/office on selected tracts within the Highland Future Land Use Map. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.
- 52 PH. C14-2009-0012 - Highland Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Highland Neighborhood Planning Area, bounded by U.S. Highway 183 to the north, Lamar Boulevard to the west, Twin Crest Drive and Middle Fiskville Road to the east, and Koenig Lane to the south (Tannehill Creek, Waller Creek, Buttermilk Branch Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties located at from the overlay district.

Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.

- 53 PH. C14H-2008-0037 - Texaco Depot – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1300-04 E. 4th Street (Town Lake Watershed) from transit-oriented development (TOD) district zoning to transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Staff recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Historic Landmark Commission Recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Planning Commission Recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Historic Landmark Commission Recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Applicant: Lorelei Brown. City Staff: Steve Sadowsky, 974-6454.
- 54 PH. C14H-2009-0004 - W.E. Miller House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4810 Rowena Avenue (Waller Creek Watershed) from family residence, neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff recommendation: To deny family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To be reviewed on April 28, 2009. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
- 55 PH. C14H-2009-0005 – Governor Dan Moody House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2302 Woodlawn Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Christine Baskin. City Staff: Steve Sadowsky, 974-6454.
- 56 PH. C14H-2009-0007 – Gambrell House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1410 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Bill and Lynn Fowler. City Staff: Steve Sadowsky, 974-6454.
- 57 PH. C14H-2009-0008 - Massey-Page House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1305 Northwood Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family

residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: John and Amy Sheffield. City Staff: Steve Sadowsky, 974-6454.

58 PH. C14H-2009-0009 - Cullers-Adkins House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1515 Westover Road (Johnson Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Dr. Thomas and Jean Adkins. City Staff: Steve Sadowsky, 974-6454.

59 PH. C14H-2009-0010 - Greenwood and Nina Wooten House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 Wooldridge Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: William and Mariette Wroe. City Staff: Steve Sadowsky, 974-6454.

5:30 PM -- Live Music

Ryan Harkrider

5:30 PM -- Proclamations

6:00 PM -- Public Hearings and Possible Actions

60 PH. Conduct a public hearing and approve a resolution authorizing the use of approximately 43,849 SF (1.01 acres) for wastewater shaft uses, 428,630 SF (9.84 acres) for wastewater line subterranean tunnel uses, 16,134 SF (0.37 acre) for access uses, 332,634 SF (7.64 acres) for temporary workspace uses and 14,983 SF (0.3440 acre) for temporary ingress and egress use to allow for the construction of the Downtown Wastewater Tunnel Project through dedicated parkland known as the Town Lake – Lamar Beach, Palmer Auditorium Shores, Festival Beach, Holly Beach, Longhorn Shores, Lakeshore, Waller Beach, Norwood & Butler Shores, Martin Park and Roy G. Guerrero Colorado River Park all located along Lady Bird Lake in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: April 30, 2009, , 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board and the Water and Wastewater Commission.


61 PH. Conduct a public hearing and consider an ordinance amending Ordinance No. 20070621-150 extending the expiration date to October 3, 2011, for floodplain variances granted for construction of a mixed-use commercial project at 835 W. 6th Street.


62 PH. Conduct a public hearing and consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan

(328 Heartwood, SP-2008-0091D) for fill over 4 feet and construction of a retaining wall within the Critical Water Quality Zone of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Item #63.

- 63 PH. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and 100-year floodplains of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Item #62.
- 64 PH. Conduct a public hearing and approve an ordinance amending Title 25 of the City Code relating to the Waterfront Overlay Combining District; and Chapter 2-1 related to the Waterfront Planning Advisory Board. Recommended by Waterfront Overlay Task Force, Design Commission, Environmental Board. Reviewed by Downtown Commission and Zoning and Platting Commission. To be reviewed by Parks Board and Planning Commission on April 28, 2009.

Adjourn

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A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.